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10/550,542	09/26/2005	Shmuel Poliner	2983/3	1917

7590 11/20/2007  
MarkFriedman  
Bill Polkinghorn  
9003 Florin Way  
Upper Marlboro, MD 20772

EXAMINER
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COLLINS, MICHAEL

ART UNIT	PAPER NUMBER
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3651

MAIL DATE	DELIVERY MODE
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11/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,542	<b>Applicant(s)</b> POLINER, SHMUEL	
	<b>Examiner</b> Michael K. Collins	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/02/2006, 1/22/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "8". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 7 recites the limitation "said dispensing mechanism" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.
- Claim 7 recites the limitation "article return system" in line 26. There is insufficient antecedent basis for this limitation in the claim.
- Claims 8-13 depend from claim 7.

- Claim 13 recites the limitation "said dispensing mechanism" in lines 15-16.  
There is insufficient antecedent basis for this limitation in the claim.
- Claim 13 recites the limitation "article return system" in line 26. There is insufficient antecedent basis for this limitation in the claim.
- Claims 14-20 depend from claim 13.
- Claims 20 discloses, "an article return system in implemented." Should "in" be "is"?

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (USP 6,021,626) and further in view of Chirnomas (USP 5,240,139).

Regarding claim 1, Goodman discloses an automated article dispensing device for dispensing articles to a plurality of users, the device comprising:

- (a) at least one storage compartment (30) configured for storage of a vertical stack of cloth articles;
- (b) a plurality of cloth (10) articles deployed in said storage compartment in a vertical stack configuration;
- (c) at least one dispensing outlet (see column 5 lines 35-37);
- (d) at least one article delivery system configured to retrieve an article from said stack and deliver said article to said dispensing outlet, said article delivery system primarily deployed behind said storage compartment (see column 5 lines 20-45);
- (e) a user interface unit accessible to the users (see column 5 lines 34-45);
- (f) an on-board processing unit (40) configured to control said article delivery system, said on-board processing unit being in electrical communication with said article delivery system, and said user interface unit; and
- (g) a user credit tracking system for tracking a number of said articles a user is currently authorized to have dispensed, such that on receipt of a request to dispense an article request entered by a user via the user interface, and conditional at least upon the user having a current credit of at least one, the article delivery system is actuated to deliver a requested article to said dispensing outlet and the current credit of the user is decreased by one (see column 5 lines 46-51).

However, Goodman does not disclose the at least one article delivery system to be configured to retrieve a top-most article from said stack and deliver said article to said dispensing outlet. Chirnomas discloses an article delivery system configured to retrieve a top-most article from a stack and deliver said article to a dispensing outlet (see Figures 1-2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article delivery device at least one article delivery system to be configured to retrieve a top-most article from said stack and deliver said article to said dispensing outlet, as disclosed by Chirnomas, for the purpose of providing a package removing means for selectively removing the selected package by raising and lowering a picker above the package (see column 3 lines 3-18).

Regarding claim 2, Goodman in view of Chirnomas disclose a device that is obvious over the device of claim 1. Furthermore, Chirnomas discloses a device wherein an article delivery system includes a vacuum article retrieval system configured for temporary attachment to a top-most article in a stack via suction. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article delivery device an article delivery system that includes a vacuum article retrieval system configured for temporary attachment to said top-most article in said stack via suction, as disclosed by Chirnomas, for the purpose of lifting by constant air blower means for creating a constant negative air pressure ( see column 3 lines 18-20).

Regarding claim 3, Goodman in view of Chirnomas disclose a device that is

obvious over the device of claim 2. Furthermore, Goodman discloses a device wherein said cloth articles are wrapped in a suction-resistant wrapper (15).

Regarding claim 4, Goodman in view of Chirnomas disclose a device that is obvious over the device of claim 1. Furthermore, Chirnomas discloses a device wherein an article delivery system includes an article contact sensor (64). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article delivery device an article delivery system that includes an article contact sensor, as disclosed by Chirnomas, for the purpose of providing a package sensor to control the sucking (see column 6 lines 44-48).

Regarding claim 5, Goodman in view of Chirnomas disclose a device that is obvious over the device of claim 1. Furthermore, Chirnomas discloses a device wherein an article delivery system includes at least one vertical track upon which a vacuum article retrieval system is displaced (see Figure 2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article delivery device an article delivery system that includes at least one vertical track upon which said vacuum article retrieval system is displaced, as disclosed by Chirnomas, for the purpose of providing a package removing means for selectively removing the selected package by raising and lowering a picker above the package (see column 3 lines 3-18).

Regarding claim 6, Goodman in view of Chirnomas disclose a device that is obvious over the device of claim 1. Furthermore, Goodman discloses a device wherein



said on-board processor (40) is configured to monitor a preset number of system transactions authorized for each user.

9. Claims 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (USP 6,021,626) in view of Chirnomas (USP 5,240,139) as applied to claims 1-6 above, and further in view of Deal (USP 2004/0128025).

Regarding claim 7, Goodman discloses an interactive automated article dispensing system for dispensing articles to a plurality of users, the system comprising:

- (a) at least one dispensing device (30) including:
  - (i) at least one storage compartment configured for storage of a vertical stack of cloth articles;
  - (ii) a plurality of cloth articles deployed in said storage compartment in a vertical stack configuration;
  - (iii) at least one dispensing outlet;
  - (iv) at least one article delivery system configured to retrieve an article from said stack and deliver said article to said dispensing outlet, said article delivery system primarily deployed behind said storage compartment;
  - (v) a user interface unit accessible to the users; and
  - (vi) an on-board processing unit configured to control said dispensing mechanism, said on-board processing unit being in electrical communication with said dispensing mechanism, and said user interface unit;

- (c) a user credit tracking system (40) for tracking a number of said articles a user is currently authorized to have dispensed, such that on receipt of a request to dispense an article entered by a user via the user interface, and conditional at least upon the user having a current credit of at least one, the article delivery system is actuated to deliver a requested article to said dispensing outlet and the current credit of the user is decreased by one.

However, Goodman does not disclose the at least one article delivery system to be configured to retrieve a top-most article from said stack and deliver said article to said dispensing outlet. Chirnomas discloses an article delivery system configured to retrieve a top-most article from a stack and deliver said article to a dispensing outlet (see Figures 1-2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing system at least one article delivery system to be configured to retrieve a top-most article from said stack and deliver said article to said dispensing outlet, as disclosed by Chirnomas, for the purpose of providing a package removing means for selectively removing the selected package by raising and lowering a picker above the package (see column 3 lines 3-18).

Furthermore, Goodman does not disclose an article return device and a user credit tracking system wherein on return of an article to the article return system, the current credit of the user is increased by one. Deal discloses an article return device and a user credit tracking system wherein on return of an article to the article return system, the current credit of the user is increased by one. Therefore, it would have been

obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing system an article return device and including in the user credit tracking system means whereby on return of an article to the article return system, the current credit of the user is increased by one, as disclosed by Deal, for the purpose of providing a system allowing a user to return merchandise that is not desired (see paragraph [0054]).

Regarding claim 8, Goodman in view of Chirnomas and further in view of Deal disclose a system that is obvious over the system of claim 7. Furthermore, Chirnomas discloses a system wherein an article delivery system includes a vacuum article retrieval system configured for temporary attachment to a top-most article in a stack via suction. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing an article delivery system that includes a vacuum article retrieval system configured for temporary attachment to said top-most article in said stack via suction, as disclosed by Chirnomas, for the purpose of lifting by constant air blower means for creating a constant negative air pressure ( see column 3 lines 18-20).

Regarding claim 9, Goodman in view of Chirnomas and further in view of Deal disclose a system that is obvious over the system of claim 8. Furthermore, Goodman discloses a system wherein said cloth articles are wrapped in a suction- resistant wrapper (15).

Regarding claim 10, Goodman in view of Chirnomas and further in view of Deal disclose a system that is obvious over the system of claim 7. Furthermore, Goodman

discloses a system further including a remote central processing unit in at least data communication with at least one said dispensing device, thereby forming an overall system of said dispensing device, said central processing unit configured to at least maintain a database of said articles in said overall system and a location of deployment of each of said articles within said overall system (see column 5 lines 46-67).

Regarding claim 11, Goodman in view of Chimomas and further in view of Deal disclose a system that is obvious over the system of claim 7. Furthermore, Deal discloses a system wherein an on-board processor (180) is configured to initiate an interactive communication with the user, using a user interface unit (120), to attempt an optional fulfillment solution when a database indicates that a requested article is unavailable for dispensing, a present dispensing device (100) and said on-board processor is configured to indicate a location of an alternative dispensing device within an overall system at which that said requested article is available for dispensing. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing system an on-board processor that is configured to initiate an interactive communication with the user, using said user interface unit, to attempt an optional fulfillment solution when said database indicates that said requested article is unavailable for dispensing, a present dispensing device and said on-board processor is configured to indicate a location of an alternative dispensing device within said overall system at which that said requested article is available for dispensing, as disclosed by Deal, for the purpose of providing a merchandising procedure to a user when a

requested item is not available to the a local merchandising dispenser (see paragraphs [0091]-[0094]).

Regarding claim 12, Goodman in view of Chirnomas and further in view of Deal disclose a system that is obvious over the system of claim 7. Furthermore, Deal discloses a system further including an article return system configured to receive a returned article and record an article return transaction (see paragraph [0054]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing system an article return system configured to receive a returned article and record an article return transaction, as disclosed by Deal, for the purpose of providing a system allowing a user to return merchandise that is not desired (see paragraph [0054]).

Regarding claim 13, Goodman in view of Chirnomas and further in view of Deal disclose a system that is obvious over the system of claim 12. Furthermore, Deal discloses a system wherein an user credit tracking system is further configured such that on return of an article to the article return system, the current credit of the user is increased by one. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing system an user credit tracking system configured such that on return of an article to the article return system, the current credit of the user is increased by one, as disclosed by Deal, for the purpose of providing a system allowing a user to return merchandise that is not desired (see paragraph [0054]).

Regarding claim 14, Goodman discloses an interactive automated article dispensing method for dispensing articles to a plurality of users, the method comprising:

- (a) providing at least one dispensing device (30) including:
  - (i) at least one storage compartment configured for storage of a vertical stack of cloth articles;
  - (ii) a plurality of cloth articles deployed in said storage compartment in a vertical stack configuration;
  - (iii) at least one dispensing outlet;
  - (iv) at least one article delivery system configured to retrieve an article from said stack and deliver said article to said dispensing outlet, said article delivery system primarily deployed behind said storage compartment;
  - (v) a user interface unit accessible to the users; and
  - (vi) an on-board processing unit configured to control said dispensing mechanism, said on-board processing unit being in electrical communication with said dispensing mechanism, and said user interface unit
- (c) tracking of user credit by a user credit tracking system (40) for tracking a number of said articles a user is currently authorized to have dispensed;
- (d) on receipt of a request to dispense an article entered by a user via the user interface, actuating said article delivery system is actuated to deliver a requested

article to said dispensing outlet and the current credit of the user is decreased by one, conditional at least upon the user having a current credit of at least one; and However, Goodman does not disclose the at least one article delivery system to be configured to retrieve a top-most article from said stack and deliver said article to said dispensing outlet. Chirnomas discloses an article delivery system configured to retrieve a top-most article from a stack and deliver said article to a dispensing outlet (see Figures 1-2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing method at least one article delivery system to be configured to retrieve a top-most article from said stack and deliver said article to said dispensing outlet, as disclosed by Chirnomas, for the purpose of providing a package removing means for selectively removing the selected package by raising and lowering a picker above the package (see column 3 lines 3-18).

Furthermore, Goodman does not disclose an article return device and a user credit tracking system wherein on return of an article to the article return system, the current credit of the user is increased by one. Deal discloses an article return device and a user credit tracking system wherein on return of an article to the article return system, the current credit of the user is increased by one. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing method an article return device and including in the user credit tracking system means whereby on return of an article to the article return system, the current credit of the user is increased by

one, as disclosed by Deal, for the purpose of providing a system allowing a user to return merchandise that is not desired (see paragraph [0054]).

Regarding claim 15, Goodman in view of Chirnomas and further in view of Deal disclose a method that is obvious over the method of claim 14. Furthermore, Chirnomas discloses a method wherein an article delivery system is implemented with a vacuum article retrieval system configured for temporary attachment to a top-most article in a stack via suction. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing an article delivery method said article delivery system that is implemented with a vacuum article retrieval system configured for temporary attachment to said top-most article in said stack via suction, as disclosed by Chirnomas, for the purpose of lifting by constant air blower means for creating a constant negative air pressure ( see column 3 lines 18-20).

Regarding claim 16, Goodman in view of Chirnomas and further in view of Deal disclose a method that is obvious over the method of claim 15. Furthermore, Goodman discloses a method wherein said cloth articles are wrapped in a suction- resistant wrapper (15).

Regarding claim 17, Goodman in view of Chirnomas and further in view of Deal disclose a method that is obvious over the method of claim 14. Furthermore, Goodman discloses a method wherein said on-board processor is implemented so as to initiate a first interactive communication with the user, using said user interface unit, when the current credit of the user is insufficient to allow fulfilling of a request to dispense an



article.

Regarding claim 18, Goodman in view of Chirnomas and further in view of Deal disclose a method that is obvious over the method of claim 14. Furthermore, Goodman discloses a method wherein said on-board processor is implemented so as to monitor a preset number of system transactions authorized for each user.

Regarding claim 19, Goodman in view of Chirnomas and further in view of Deal disclose a method that is obvious over the method of claim 18. Furthermore, Goodman discloses a method further including establishing data communication between a remote central processing unit and at least one said dispensing device, thereby forming an overall system of said dispensing device, said central processing unit configured to at least maintain a database of said articles in said overall system and a location of deployment of each of said articles within said overall system (see column 5 lines 46-67).

Regarding claim 20, Goodman in view of Chirnomas and further in view of Deal disclose a method that is obvious over the method of claim 14. Furthermore, Deal discloses a method wherein an article return system is implemented so as to receive a returned article and record an article return transaction, and a user credit tracking system is implemented such that on return of an article to the article return system, the current credit of the user is increased by one. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Goodman by including in the automated article dispensing method an article return system that is implemented so as to receive a returned article and record an article

return transaction, and said user credit tracking system is implemented such that on return of an article to the article return system, the current credit of the user is increased by one, as disclosed by Deal, for the purpose of providing a system allowing a user to return merchandise that is not desired (see paragraph [0054]).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Collins whose telephone number is (571) 272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

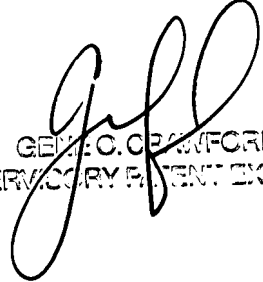
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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M.C.  
11/14/2007

  
GENE C. CRAWFORD  
SUPERVISING PATENT EXAMINER